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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

SEP 13 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Wisconsin Public Service Commission)	NSD File No. L-99-64
Petition for Delegation of Additional Authority)	
to Implement Number Conservation Measures)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions of the Telecommunications Act of 1996)	

**COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION**

The United States Telephone Association (USTA) hereby files its comments on the petition filed by the Wisconsin Public Service Commission (Wisconsin) for additional authority to implement various number conservation measures in the above-captioned proceeding.¹ USTA is the principal trade association of the local exchange carrier (LEC) industry. Its members provide over 95 percent of the exchange carrier-provided access lines in the United States.

In its petition, Wisconsin seeks delegated authority to enforce current standards for number allocation or set and enforce new standards, order efficient number use practices within NXX codes, order the return of unused and reserved NXX codes and thousand block number pooling if number pooling is implemented, order number utilization and forecasting reporting and audit such reporting, investigate and order unassigned number porting, investigate and order additional rationing measures, and implement mandatory thousand block number pooling. In

¹ Public Notice, DA 99-1606, released August 12, 1999 (Public Notice).

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seeking this additional authority, Wisconsin claims that it does not wish to undermine the efforts to develop national number conservation guidelines.

The Wisconsin petition is the eighth request of a state filed with the Commission since February seeking similar individual state relief to deal with number shortages.² These petitions generally seek similar relief—that the situation that exists in their state justifies the need to fashion a state-specific plan to address their numbering problems.

The arguments against granting such relief are also similar. USTA has filed comments on each of the petitions, opposing the states' requests for additional authority that would jeopardize the industry processes underway for comprehensive nationwide number conservation. USTA has also addressed the issue of the states' authority to implement conservation measures on an individual basis in its comments and reply comments in response to the Commission's Notice of Proposed Rulemaking in CC Docket No. 99-200, Numbering Resource Optimization, (Notice).³ In its reply comments, USTA specifically addressed the Wisconsin petition.⁴ USTA opposes the Wisconsin petition for the reasons articulated in those pleadings. It becomes a superfluous exercise to repeat the same arguments against each state request, but those arguments are likewise applicable to the relief requested in the Wisconsin petition. Rather than repeat the reasons, USTA hereby incorporates by reference all its pleadings filed in the proceedings listed in footnotes 2 and 3, *supra*.

² See New York Department of Public Service Petition, NSD File No. L-99-21 (New York Petition); Massachusetts Department of Telecommunications and Energy Petition, NSD File No. L-99-19 (Massachusetts Petition); Maine Public Utilities Commission Petition, NSD File No. L-99-27 (Maine Petition); Florida Public Service Commission Petition, NSD File No. 99-33 (Florida Petition); Californian Public Utilities Commission and People of the State of California Petition, NSD File No. 98-136 (California Petition); Texas Public Utility Commission Petition, NSD File No. 99-55 (Texas Petition); and Connecticut Department of Public Utility Control Petition, NSD File No. 99-62 (Connecticut Petition).

³ FCC 99-122, released June 2, 1999.

⁴ USTA Reply Comments in CC Docket No. 99-200 at 8, 12-13.

The Wisconsin petition provides no unique justification for the authority it requests. This exemplifies a number of concerns that USTA has with the state requests and highlights the critical situation that is at risk if the Commission acts favorably on the state petitions.

The Commission has consistently stated that it intends to develop a nationwide, uniform system of numbering and that such a system is “essential to the efficient delivery of telecommunications services in the United States.”⁵ The Commission has further recognized that the industry, the Commission, and the states should work together to develop national methods to conserve and promote efficient use of numbers, but that those attempts “cannot be made on a piecemeal basis without jeopardizing telecommunications services throughout the country.”⁶ Wisconsin specifically recognizes that these national efforts have been underway and “does not wish to undermine those efforts.”⁷

Nevertheless, grant of the Wisconsin and the other state petitions would do just that. The Commission must adhere to its policy that orderly national numbering conservation and administration measures are essential to the optimization of the North American Numbering Plan (NANP). The Commission cannot yield to the requests by Wisconsin and other states to decentralize number administration. As USTA has repeatedly stated, the effects would be disastrous to number planning and conservation in this country. It would result in a significant loss of effectiveness of the national program and its numbering conservation and administrative policies. The Commission needs to focus on these national programs and the development of orderly national measures, rather than to devote so much of its own and the industry’s resources to these individual state requests that will undermine the vital national scheme.

⁵ Memorandum Opinion and Order and Order on Reconsideration, *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, NSD File No. L-97-42, 13 FCC Rcd 19009 at ¶ 21 (1998).

⁶ *Id.*

All participants must recognize that effective conservation measures are complex and take time to develop; we cannot permit panic to drive regulators into taking action that will ultimately jeopardize the national planning process and will lead to premature exhaust of the NANP.

With regard to thousand block pooling, Wisconsin indicates that it can implement pooling locally sooner than it could be accomplished on a national basis.⁸ This shows a lack of understanding of the complexity and national implications of such deployment. It also indicates an intent to apply pooling in a manner inconsistent with the carefully drawn principals of the Pennsylvania Order, *i.e.*, that planning for relief be accomplished before a state commission may actively engage in conservation activities. This cannot be allowed to happen for a number of reasons, which have been set forth in USTA's Reply Comments in CC Docket No. 99-200.⁹ Foremost among those reasons are the diversion of industry resources from the national effort to individual state proceedings implementing pooling, cost recovery and technical implications for carriers and administrators, and lack of ability for the Commission to regain its delegated authority.

Wisconsin states that "the code administrator (Lockheed Martin, the North American Numbering Plan Administrator) has little or no authority to enforce the requirements contained therein."¹⁰ As pointed out in its Reply Comments in CC Docket No. 99-200,¹¹ USTA believes that Wisconsin has provided some valuable insight by this statement. The Commission should affirm the authority of the NANPA to engage in and fully discharge the responsibilities attendant

⁷ Wisconsin Petition at 4.

⁸ *Id.* at 8.

⁹ USTA Reply Comments at 9-15.

¹⁰ Wisconsin Petition at 4.

¹¹ USTA Reply Comments at 13.

to code administration in accordance with the national guidelines. This action would support the basic national administration structure.

In conclusion, USTA urges the Commission to deny the Wisconsin petition for the reasons stated above and in its previous comments and reply comments in CC Docket No. 99-200 and in response to similar requests by other states.

Respectfully submitted,

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